

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 13938, 13944**

(Jointly Administered)

SUIZA DAIRY CORP.,

Movant,

v.

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Respondent.

**COMMONWEALTH OF PUERTO RICO’S URGENT CONSENTED  
MOTION FOR EXTENSION OF DEADLINES IN CONNECTION WITH  
URGENT MOTION REQUESTING COMFORT ORDER**

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Building Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Debtor”) respectfully submits this urgent consented motion for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in the *Order Scheduling Briefing of Urgent Motion Filed by Suiza Dairy Corp.* [ECF No. 13944] (the “Scheduling Order”).<sup>2</sup>

**Request for Relief**

1. On August 3, 2020, Suiza Dairy Corp. (the “Movant”), filed the *Urgent Motion Requesting A Ruling Or Entry Of Comfort Order As To The Non-Applicability Of The Automatic Stay To A Limited Controversy With The Commonwealth Of Puerto Rico Arising Post-Petition And Having Post-Petition Effects But Partially Based On A Pre-Petition Judgment Incorporating Milk Regulations Established By The United States District Court For The District Of Puerto Rico And Not Involving Property Of The Debtor Or Its Estate* [ECF No. 13938] (the “Motion”) requesting that the Court enter a “ruling or comfort order finding that *Suiza* is not acting in contravention of the automatic stay provisions [...] nor is attempting to exercise control over or obtain possession over property of the estate in pursuing the cause of action stated in this motion” in connection with a contemplated legal challenge to Administrative Order 2020-22 issued by the Administrator of the Office of Regulation of the Milk Industry.

2. On August 4, 2020, this Court entered the Scheduling Order, which provides that objections to the Motion must be filed by August 17, 2020 at 5:00 pm (Atlantic Standard Time), and Movant’s reply papers by August 31, 2020 at 5:00 pm (Atlantic Standard Time).

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<sup>2</sup> The Financial Oversight and Management Board for Puerto Rico, as the Debtor’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized the Department of Justice to file this Urgent Motion on behalf of the Debtor.

3. The Debtor is in the process of reviewing the pertinent information regarding the Motion in order to properly evaluate the matters therein contained. Thus, the Debtor, with Movant's consent, respectfully requests the following extensions of the deadlines set forth in the Scheduling Order:

- The deadline to file objections to the Motion shall be extended to **August 27, 2020 at 5:00 pm (Atlantic Standard Time)**.
- The deadline for Movant to file her reply shall be extended to **September 10, 2020 at 5:00 pm (Atlantic Standard Time)**.

4. The Debtor discussed this request with counsel for Movant, who consented to the relief requested herein. The consent to this requested extension of time is not to be considered as a waiver of Movant's rights nor does it give rise to any related defense, including laches or estoppel.

5. Pursuant to Paragraph 1.H of the *Thirteen Amended Notice, Case Management and Administrative Procedures* [ECF No. 13512-1] (the "Case Management Procedures"), the Debtor hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

#### **Notice**

6. The Debtor has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors'

bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against the Debtor; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;<sup>3</sup> (i) all parties filing a notice of appearance in these Title III cases; and (j) Movant. A copy of the motion is also available on the Debtor's case website at <https://cases.primeclerk.com/puertorico/>.

7. The Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

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<sup>3</sup> The "Other Interested Parties" include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtor; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtor.

**WHEREFORE**, the Debtor requests the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: August 17, 2020  
San Juan, Puerto Rico

Respectfully submitted,

**INÉS DEL CARMEN CARRAU  
MARTÍNEZ**  
Secretary of Justice

**WANDYMAR BURGOS-VARGAS**  
Deputy Secretary in Charge of Litigation

**SUSANA PEÑAGARÍCANO-BROWN**  
USDC-PR No. 219907  
Director of Legal Affairs  
Federal Litigation and Bankruptcy Division  
Department of Justice of Puerto Rico  
P.O. Box 9020192  
San Juan, Puerto Rico 00902-0192  
Email: [spenagaricano@justicia.pr.gov](mailto:spenagaricano@justicia.pr.gov)  
Phone: (787)721-2900, ext. 1411

**s/ Josué N. Torres Crespo**  
**Josué N. Torres Crespo**  
USDC No. 229805  
Department of Justice of Puerto  
Rico  
Federal Litigation Division  
P.O. Box 9020192  
San Juan, Puerto Rico 00902-0192  
Email: [jntorres@justicia.pr.gov](mailto:jntorres@justicia.pr.gov)  
Phone: 787-721-2900 Ext. 1480

*Attorneys for the Commonwealth of Puerto Rico*

**Exhibit A**

**Proposed Order**